

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

**WELLS FARGO BANK, N.A.,
as Trustee,**

Plaintiff,

Case No. 09-CV-768

-vs-

**LAKE OF THE TORCHES ECONOMIC
DEVELOPMENT CORPORATION,**

Defendant.

ORDER

Upon consideration of the briefs, affidavits, declarations and exhibits submitted in this matter, the Court finds that the Trust Indenture is a management contract that was executed without prior approval from the National Indian Gaming Commission. *See* 25 U.S.C. § 711(a)(1). Without prior approval, the entire contract is void *ab initio*. *See First American Kickapoo Operations, L.L.C. v. Multimedia Games, Inc.*, 412 F.3d 1166, 1176 (10th Cir. 2005); 25 C.F.R. § 533.7.

Therefore, this case is **DISMISSED**. A written opinion will be issued in due course.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2010.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
U.S. District Judge